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Mandated areas

Information received from Governments

Finland

1. The recommendations contained in the report of the Permanent Forum on Indigenous Issues on its first session concern Finland, especially with respect to the Saami.

2. The number of Saami in Finland is about 7,000.[1] The majority of them, some 4,000, still live in their native area, known as the Saami Homeland, *Sámiid ruovttuguovlu*, which is constituted by the four northernmost municipalities in the Province of Lapland-Utsjoki, Inari, Enontekiö and the northern part of the municipality of Sodankylä.

3. Since the amendment of the Constitution of Finland in 1995, the Saami have enjoyed cultural autonomy with respect to their language and culture within the Saami Homeland. The Saami Parliament in Finland is an elected body of representatives of the Finnish Saami. As part of the Saami cultural autonomy, the Saami Parliament deals with issues concerning Saami languages and culture, and the status of the Saami as an indigenous people.

> "The Forum calls upon States to adopt the draft United Nations declaration on the rights of indigenous peoples before the end of the decade."[2]

4. The adoption of the draft declaration as promptly as possible would constitute an important step towards a better promotion and protection of the rights of the indigenous peoples. Finland has actively participated in the work of the working group preparing for the draft declaration, and has committed itself to the common goal, namely, the adoption of the draft declaration by the General Assembly before the end of the International Decade of the World's Indigenous People, in 2004.

5. Finland considers the draft declaration to be ready for adoption for the most part. Finland has sought to respect as much as possible the original wording of the

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draft declaration, for instance, by seeking flexible interpretations which would enable the adoption of the draft declaration with as few changes as possible.

> "The Forum encourages States to include representatives of indigenous peoples' organizations in their delegations to the informal intersessional meeting on the draft United Nations declaration on the rights of indigenous peoples."[3]

6. With regard to the elaboration of the draft declaration, Finland has promoted transparent and open proceedings for all parties concerned, as well as equal rights of participation in the different stages of the process of negotiation. Finland welcomes recent developments in transparency, especially the possibility for the representatives of indigenous peoples to participate in the intergovernmental meeting held during the December 2002 session of the working group.

7. To date, the informal intersessional meetings have been open only to the representatives of Governments. To better include representatives of indigenous people in the negotiation process, the Finnish delegation has informed the Saami Parliament within its limitations on the content of those informal intersessional meetings.

8. Continuing to cooperate on the issue of indigenous peoples, the Nordic countries have organized unofficial meetings on the draft declaration, which have been open to representatives of both the Governments and indigenous peoples of the Nordic countries. The Government of Finland has financed the participation of a representative of the Saami Parliament in those meetings.

9. In addition, a representative of the Saami Parliament financed by the Government of Finland had the possibility to participate in the December 2002 session of the working group as part of the Government of Finland's delegation.

> "The Forum encourages States to undertake consultations with indigenous peoples to elaborate constitutional provisions and State policies relating to indigenous issues."[4]

10. By virtue of the cultural autonomy of the Saami, the Saami Parliament may take initiatives, make propositions and submit statements on matters concerning Saami languages and culture and the status of the Saami as an indigenous people. Most importantly, the Finnish public authorities have a legal duty to consult the Saami Parliament on all far-reaching and important matters and measures that could immediately and in a specific way affect the position of the Saami as an indigenous people (Saami Parliament Act 9), such as mining claims, social planning, leasing state land and establishing nature reserves, sources of livelihood connected to the Saami culture, education in and about the Saami languages, social and health-care services, and any other such issues that have an influence on the Saami languages, culture or the status of the Saami as an indigenous people.

11. Even though the idea of guaranteeing the Saami a seat in the Finnish Parliament has been rejected so far, an obligation for the Government and Parliament to hear the Saami in all matters of special concern has been introduced into Finnish legislation.

> "The Forum requests that Governments include in their programmes and plans and in their educational and cultural policies the contents of the indigenous knowledge, indigenous spiritual and religious traditions, indigenous customs and ceremonies, as well as indigenous histories, visions of the cosmos, philosophies and values. The rights of the indigenous peoples to their sacred

sites and ceremonial objects and to the distribution of their ancestral remains should be respected. They wish to have their cultural properties returned to them, particularly if those properties were taken without their permission, as well as the restoration and protection of their environment, lands and resources. The cultural heritage, made up of the archaeological zones and sacred sites that are used for tourism, should be taught to non-indigenous children and young people so that they know the contribution of indigenous culture to all societies and to this globalized world."[5]

12. According to the concept of cultural autonomy, it is the Saami Parliament that decides how money set aside in the national budget for the benefit of the Saami culture and support of the organizational activities of the Saami is to be distributed. In 2003, the culture appropriation for the Saami from the state budget, under the section of the Ministry of Education, amounted to 168,000 euros.

13. The culture appropriation has been a significant support to the Saami community and has helped to promote activities of the approximately 30 Saami organizations in Finland. The Saami organizations play an especially important role in promoting the participation of the Saami in Finnish society, the development and revival of Saami languages and culture, and the upholding of Saami traditions and their transmission to new generations. The appropriation is distributed through grants and subsidies, on application. Furthermore, special culture prizes are regularly awarded without application.

14. In addition to the culture appropriation, the Finnish Ministry of Education supports financially activities of artistic relevance to the Nordic Saami, notably the work of the Finnish Department of the Saami Council. The Saami Council is a consultative body of Saami organizations and associations in Finland, Norway, Sweden and the Russian Federation. In that context, it is important to note that the Saami culture in Finland is currently booming.

15. The Siida Museum in Inari, Lapland, displays a wide range of indigenous cultural objects and other properties, as well as comprehensive examples of spiritual and material traditions of the three Saami cultures present in Finland (the North, Inari and Skolt Saami). According to the data-recording plan of the Museum, the Siida Museum is responsible for the recording of data from the area of the Saami Homeland, as well as for the inclusion of the activities of the Finnish Saami abroad. In addition, the Siida Museum is in the process of planning a European Union project to map the cultural properties of the Saami that remain abroad and, if possible and needed, to obtain those cultural objects or any such properties of the Saami for long-term loan to the Museum. The Museum also includes an open-air museum, which was restored in 2000 with the help of the European Regional Development Fund, the Finnish Ministry of Education and the Saami Museum Foundation.

16. The University of Helsinki has undertaken a project on an encyclopaedia of Saami culture. The objective of the project is to collect systematically information on the Saami culture and to provide a comprehensive electronic database in the course of the year 2003. The database will include information on the rights of the Saami, Saami languages, history, popular tradition, mythology, music, economy, nature, art etc. With the support of the European Union, the Finnish Ministry of Education and the Finnish Cultural Foundation, the database should be published in book format in 2004.

17. Since the 1999 Act on Comprehensive Education, a separate state subsidy has regularly been issued to local governments and other education providers situated in the Saami Homeland. The state subsidy is aimed to support and promote education in and about the Saami languages. In 2003, the conditions of the state subsidy were revised to enable the providing of education in and of the Saami languages to even smaller groups and thus a wider audience overall.

18. On an experimental basis for the curriculum of basic education, the education of language and cultural minority groups, notably the Saami, has been acknowledged. The results of the experiment will be taken into consideration in the curriculum to be adopted in 2004. For the academic year of 2003-2004, the teaching of the Saami culture was included in the curriculum of basic education. After the experiment, that basis is to be adapted to apply to all Finnish schools of basic education.

19. The experimental basis for the curriculum mentions values in addition to basic education that include human rights, the principle of equality, democracy, sustainable use of the environment and the acceptance of multiculturalism. It further notes that the point of departure for teaching is the Finnish culture developed in the interplay of indigenous, Nordic and European cultures. Furthermore, national and local specificities, national languages, the two churches, the Saami as an indigenous people and national minorities should be taken into consideration in the teaching process.

20. The issue of the rights of the Saami to the lands of Northern Lapland remains problematic. The Government of Finland has yet to ratify the 1989 International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, because Finnish legislation does not fully acknowledge, inter alia, the rights of ownership and possession over the lands which the Saami traditionally occupy. The Government of Finland is currently in the process of studying the conditions for ratification.

21. However, in that connection it is important to stress that a great deal of the land in Northern Lapland constitutes nature reserves, wilderness areas, and national and natural parks. In the wilderness areas, the local population, including the Saami, has maintained traditional rights to fish and hunt. In the nature reserves and national parks, the local population generally also has the right to herd reindeer, which is considered a traditional source of livelihood of the Saami.[6] Since the land-use restrictions are enacted in the regulations and charters of national parks, it is especially noteworthy that the Saami are represented on all the advisory boards of the national parks.

Notes

[1] Figures provided in 1995 by the Saami Parliament in Finland.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/43/Rev.1), chap. I, sect. B, para. 18.

[3] Ibid., para. 19.

[4] Ibid., para. 23.

[5] Ibid., para. 27 (c).

[6] It should be noted that in contrast to Sweden and Norway, reindeer herding in Finland is not an exclusive right of the Saami.